

AMENDMENT TO COMPENSATION AND ESCROW AGREEMENT

This Amendment to Compensation and Escrow Agreement ("Agreement") is entered into as of September 17, 2009, by and between the United States Environmental Protection Agency, Region 8 ("EPA"), Lincoln County Credit Union (the "Bank") and Buford and Darlene Fallis ("Fallis") hereinafter referred to collectively as the "Parties."

WHEREAS, the Parties executed an agreement for the replacement cost of the home owned by the Fallises at 16296 Bull Lake Road, Troy, MT 59935 using a modular unit company to be chosen by the Fallises, (including foundation, utility connections and general contractor costs) of \$88,908.00, and

WHEREAS, the Parties agree that the original price of \$88,908.00 should be increased by \$9,400.00, for a total price of \$98,308.00; and

WHEREAS, the Bank's fee of 1% of the total will be calculated on the new price of \$98,308.00.

WHEREAS, the additional funds agreed upon will not be transferable until after December 15, 2009. *B-F x - 9-12-09*

As provided by the original agreement at **Section 9. Amendment of Agreement**, Section 2 of the original agreement is hereby modified. The first sentence of Section 2 is amended to read: EPA shall transfer to the Bank NINETY-EIGHT THOUSAND THREE HUNDRED EIGHT DOLLARS (\$98,308.00) within thirty (30) days of execution of this Amendment of Agreement by EPA.

IN WITNESS WHEREOF the Parties have caused this Amendment to Agreement to be executed, where appropriate, by their duly authorized respective officers or employees.

x Buford Fallis
Buford Fallis

Darlene Fallis
Darlene Fallis

Carol Rushin
Carol Rushin, Acting Regional Administrator
United States Environmental Protection Agency

Chari Lucas
Chari Lucas
Lincoln County Credit Union



United States
Environmental Protection Agency
Washington, DC 20460

MISCELLANEOUS OBLIGATION DOCUMENT

1. OBLIGATION(S) FOR THE MONTH/PERIOD OF November, 2009

2. Purpose

To provide an additional \$9494.00 to the Fallis escrow account for the replacement of their home that was demolished as part of the Libby Asbestos Superfund site cleanup. The escrow account was original funded under MO#0908LSP214 on 8/27/2009.

Lincoln County Credit Union
P.O. Box 1568
120 W. 5th Street
Libby, MT 59923

ABA #: 292177725
Account #: 9000
Type of Account: S1

3.

- ☐ AN ORIGINAL OBLIGATION
☒ AN INCREASE TO A PREVIOUS OBLIGATION
☐ A DECREASE TO A PREVIOUS OBLIGATION
☐ CANCELLATION OF A PREVIOUS OBLIGATION

4. Financial and Accounting Data

| Line | DCN (Max 6) | Budget/FYs (Max 4) | Appropriation Code (Max 6) | Budget Org/Code (Max 7) | Program Results Code (Max 9) | Object Class (Max 4) | SFO (Max 2) |
|------|----------------|-----------------------|-------------------------------|----------------------------|---------------------------------|-------------------------|----------------|
| 1 | | | | | | | |
| 2 | | | | | | | |
| 3 | | | | | | | |

| | Amount | (Dollars) | (Cents) | Site/Project (Max 8) | Cost Org/Code (Max 7) |
|---|--------|-----------|---------|-------------------------|--------------------------|
| 1 | | | | | |
| 2 | | | | | |
| 3 | | | | | |

5. Certification

Certification of Funds Availability (Funds Certifying Official)

Signature

Date

Phone

Prepared By:

Signature

Date:

Phone: (303) 312-6578

Approved By:

Signature

Date:

Phone:



Libby Asbestos Superfund Site - Fallis Escrow Agreement Amendment
Victor Ketellapper to: Shirley Kelley

10/26/2009 12:17 PM

During the design of the cleanup of the Fallis Property at the Libby Asbestos Superfund Site, it was determined that the demolition and replacement of the home was required. An escrow agreement, managed by a local credit union, was established to provide funds to the homeowner to be used for construction of a new home. During the start of the construction of the new home, several items not in the original escrow agreement were identified, requiring EPA to provide additional funds to the escrow agreement. This amendment to the escrow agreement is to provide the additional funds needed to complete the construction of the replacement home.

Victor Ketellapper, P.E.
USEPA
1595 Wynkoop St. (8EPR-B)
Denver, CO 80202

(303)312-6578

copy

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x Buford Fallis
Buford Fallis

Darlene Fallis
Darlene Fallis

ORIGINAL SIGNED BY
Carol Rushin

Carol Rushin, Acting Regional Administrator
United States Environmental Protection Agency

Chari Lucas
Chari Lucas
Lincoln County Credit Union

BEPR-SR
VH
9-30-09

Amelia ✓
BEPR-SR
9/30/09

Terry Anderson
for Campbell
10/1/09

Bill Mann
EPR-SR
10/1/09